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13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15 JENNIFER BATHON on behalf of herself
 16 and all others similarly situated,

17 Plaintiff,
 18 vs.

19 BCBG MAX AZRIA,

20 Defendant.

21 Case No. C08-01647 JSW

22 **STIPULATION OF DISMISSAL AND**
 23 **[PROPOSED] ORDER**

24 Complaint Filed: June 5, 2007
 25 Trial Date: None Set

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1 **STIPULATION OF DISMISSAL**

2 Pursuant to Fed. R. Civ. P. 41(a)(1)(ii), Plaintiff Jennifer Bathon
3 (“Plaintiff”) and Defendant BCBG Max Azria (“Defendant”) hereby stipulate and agree
4 to the dismissal of Plaintiff’s individual claims against Defendant *with prejudice*, and
5 with each party bearing its own costs and fees. Plaintiff’s putative class claims against
6 Defendant are dismissed without prejudice to the rights of any of the members of the
7 putative class, and with each party bearing its own costs and fees.

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9 Dated: July 14, 2008

CALL, JENSEN & FERRELL
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11 By:s/SCOT D. WILSON
12 SCOT D. WILSON

13 Attorneys for Defendant BCBG Max Azria
14 E-mail: swilson@calljensen.com

15 Dated: July 14, 2008

16 DONOVAN SEARLIES, LLC
17 FRANCIS & MAILMAN, P.C.

18 By:s/DAVID A. SEARLES

19 DAVID A. SEARLES

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ORDER

IT IS HEREBY ORDERED that Plaintiff Jennifer Bathon’s (“Plaintiff”) individual claims against Defendant BCBG Max Azria (“Defendant”) be dismissed with prejudice, and with each party bearing its own costs and fees. Plaintiff’s putative class claims against Defendant are dismissed without prejudice to the rights of any of the members of the putative class and each party shall bear its own costs and fees.

Dated: July 14, 2008

HON. JEFFREY S. WHITE
U.S. DISTRICT COURT JUDGE